

December 28, 2000

From: Bruce Russell, Amy Knowlton, co-chairs Ship Strike Committee Northeast Region

Re: Report of Ship Strike Committee meeting of 13 December 2000

At the request from shipping interests in the New England area, a ship strike committee meeting was held on 13 December 2000 at the Black Falcon Terminal, MASSPORT, Boston, Massachusetts. The request was to review *the Discussion Draft: Right Whales & Ship Management Options* before the planned re-write.

In attendance at the meeting were:

Brad Wellock, MASSPORT (member I-Team)
Bill Eldridge-MSC/Peabody and Lane (advisor I-team)
Bruce Russell, co-chair, consultant/advisor to IFAW, NMFS (advisor I-team)
Amy Knowlton, co-chair, NEAq (advisor I-team)
Joe Pelzarski, Mass. Coastal Zone Management (member I-Team)
Captain A. Ross Pope-Moran Shipping Agency (advisor I-team)
Katrina Van Dine, Stellwagen Bank NMS (member I-Team)
Dr. Moira Brown, Center for Coastal Studies (advisor I-team)
Patricia Gerrior, NMFS (representing NMFS NE Region)
Mason Weinrich, Whale Center of New England (advisor I-team)
Fred Wenzel, NEFSC, NMFS
Cathy Demos, Corps of Engineers (member I-Team)
Deb Hadden, MASSPORT
Lt. Robert Clarke, USCG (representing CG as I-Team member)
Tom Featherston, Navy (member I-Team)
Tim Cole, NEFSC, NMFS
Porter Hoagland, WHOI

Those who RSVP'd but were unable to attend were Captain Joe Murphy, Mass Maritime Academy; Linda O'Leary, AWO; Kathy Metcalfe, American Chamber of Shipping; Judith Harris, Port of Portland; Brian Nutter, ME DOT; Paul Stewart, Navy; David Laist, MMC; Sharon Young, HSUS; Chris Mantzaris, NMFS, Tom French, Mass, DFW.

The meeting was convened at 1:00 PM with introductions. Bruce Russell discussed the next steps on revising the *"Discussion Draft: Right Whales & Ship Management Options."* The Discussion draft is being revised following the outline attached, based on comments received on the paper, the workshop, and additional input based on going research (e.g. passive acoustics (IFAW), right whale behavior (NEAq, WHOI), GIS (NEAq, FMRI), MSR data analysis (FMRI), predictors (sea surface temperature, food sources, oceanographic data.) (NMFS & IFAW) The plan is to publish and circulate the revised *Discussion Draft* by mid-January. The paper will also be posted at the NMFS and IFAW web sites: <http://www.nero.nmfs.gov/whaletrp/> and <http://www.rightwhales.org>.

Re: Report of Ship Strike Committee meeting of 13 December 2000 (continued)

Comments (written and oral, these are not direct quotes unless indicated) received on the *Discussion Draft* were briefly reviewed:

- David Laist, Marine Mammal Commission: targeted speed restrictions should be the primary management tool. Provided a detailed discussion on rationale for inclusion in revisions.
- Kate Van Dine, NOS: provided clarification on the precautionary approach
- Lindy Johnson, NOAA General Counsel's office: provided clarification of international legal instruments available.
- Barb Zoodsma, GA DNR: conduct risk assessments for certain management options; likes tabular approach to presenting information, but no more columns.
- Dave Kaufman, JAXPORT: assess navigation safety impacts on routing management options
- Mason Weinrich, Whale Center of NE: look at Jeffreys Ledge and Platts Back as one discrete area in the context of the entire Gulf of Maine
- Several: an economic assessment of management options is necessary
- Sharon Young, HSUS: need to understand how far to re-route in dynamic management; "As to the "humpback problem" in the mid-Atlantic. I agree that they are there, and so are ships, and that there are on going concerns. However, I would support the idea of the meeting focusing on right whales, as the
- distributional data is quite different for humpbacks and is thus likely to complicate things at a time when we need to be sensitive to clear and focussed discussion on how to reduce a proximal threat to right whales."
- Several: need to understand the parameters of trigger mechanisms for dynamic management (e.g. how many whales, resident time, transit windows)
- Several: Bay of Fundy management options will effect US ports, in particular, NE, ME.
- Moira Brown, CCS: provided Canada options and background; paper needs better organization and less redundancy, likes tabular approach to presenting information.
- Several: *Discussion Draft* is "well balanced."
- Brad Wellock, MASSPORT: need to assess impacts on Halifax to Boston trade, new York to Boston trade, post Maersk/Sealand decisions (1-2 trips per week).

Re: Report of Ship Strike Committee meeting of 13 December 2000 (continued)

- Bill Eldridge, Peabody & Lane/MSC: year to year differences in occurrence and distribution of right whales, in particular the Great South Channel, argue against blanket restrictions; need to add an ongoing focus on merchant mariner education and understanding of right whale distributions ('the more you look the more you find').
- Kathy Metcalfe, America Chamber of Shipping: (concerns (navigation safety and enforcement) with dynamic management; regulations should go through IMO; problems with speed restrictions; shipping industry is engaged, is taking actions and is supportive of overall efforts to reduce ship strikes.

An update was provided on several concerns raised at the series of right whale briefings and the recent Implementation team meetings:

- Comments were submitted by the I-teams on the Coast Guard's recent notice in the Federal Register requesting comments on their development of national performance standards for merchant mariner qualifications related to voyage planning and right whale avoidance.
- The Coast Guard reports that the rule making finalizing the MSR rule and correcting a reporting problem in the MSR, which leads to ships reporting in and not receiving a reply from the system should be published in January 2001. The National Ocean Service will issue a change to the coast Pilot before the rule is published. The Coast Guard is re-publishing the laminated right whale package with instructions for the MSR on the reverse.
- Efforts are underway in the SEUS to engage port authorities shipping agencies and pilots associations in the education of merchant mariners on MSR reporting requirements. The compliance rate in the SEUS is less than almost half that of the NEUS.
- NMFS has identified funds to contract a maritime economist to assess the economics of the management options, by region.

Bruce Russell opened the discussion on the workshop. The purpose of the workshop is to present a detailed regional review of what we know about the occurrence of rights whales in relation to shipping and to fully explore management options with the goal of providing detailed recommendations to the National Marine Fisheries Service through the Implementation Teams. Management options and factors to be considered in evaluating these options include, but not limited to information needs and gaps, legal authorities, research and development (review and identify additional / prioritize), environmental impacts and navigation safety, economic impacts and implementation costs. Tentative plans are to hold the two and a half-day workshop at the Coast Guard Academy, New London, CT, the week of 9 April 2001. (Now tentatively set for 10, 11, 12, April 2001, tentatively at Coast Guard Academy, New London, CT).

Re: Report of Ship Strike Committee meeting of 13 December 2000 (continued)

Attendance at the workshop is planned as follows:

- 1) *All members of both Implementation teams will be invited to participate.
- 2) A steering committee will develop a list of workshop participants that will ensure diverse participation from the conservation and scientific communities, port authorities and the shipping community. This list will be submitted to the I-Teams for approval.
- 3) Representatives from the Canadian government and right whale recovery plan.
- 4) Technical and scientific experts
- 5) Congressional staff
- 6) Other interested parties as observers

* The total number of participants will be limited to 75. All participants will be formally invited to participate by NMFS.

Connie Lewis of the Meridian Institute will facilitate.

There was a lengthy discussion on the manner in which the invitations would be issued, as well as to the involvement of those who have not participated. Joe Pelczarski and Tom Featherston agreed to raise these concerns at the upcoming meeting with the NEIT executive committee and NMFS. An additional concern was raised about personal liability if such an invitation were an official appointment.

The last was an open discussion of management options in the New England area (review tables in Discussion Draft):Gulf of Maine: Portland approaches, Platts Bank, Cashes Ledge, Jeffrey's Ledge, Boston approaches and Great South Channel, and Block Island Sound. The attached maps were used as a basis for these discussions. No conclusions or recommendations were reached as this was not the purpose of these discussions.

- Dynamic management (i.e. targeted speed restriction or area to be avoided) might be appropriate in scenarios depicted for situations where whales set up in Block Island Sound (Figures 4) or the approaches to Portland (Platts Bank), (Figures 1).
- Great South Channel and the Boston approaches (figure 4) present a challenge as this is a highly used resident (feeding) and transit area, difficult to survey, with differing seasonal occurrence from year to year. Making the Boston approach mandatory would limit management options to speed restrictions only. A dynamic management approach with re-routing could create navigation safety problems. Enforcement will be difficult. Understanding how traffic moves through the area (MSR analysis) will be important.
- In the Cashe's Ledge scenario, whales are dispersed over a 6350 square mile area--90 miles across. Though not heavily trafficked by the shipping industry, Halifax to Boston shipping, and ships making a direct run from Europe to Boston do transit this area. How an area surrounding these animals would be defined is a concern, for both the animals and shipping.

Re: Report of Ship Strike Committee meeting of 13 December 2000 (continued)

As this discussion closed, the co-chairs commented on the difficulties facing us as we try to understand the management options and limits to the practical application.

The meeting adjourned at 4:00PM.

Bruce Russell
co-chair

Amy Knowlton
co-chair

Attachments

Draft Outline for Final Revision for

Discussion Draft:
Right Whales & Ship Management Options
National Marine Fisheries Service
Right Whale Recovery Plan Implementation Teams
Ship Strike Committee
Date

(Note amended title)

Our charge (who are we)

- I. Executive Summary (BAR) (1-2 pages)
 - a) Statement of Purpose (ESA) PBR, etc.
 - b) Approach
 - c) next steps
 - d) overview of report contents
- II. Table of Contents
- III. Overview
 - A. Background
 - a) Right whales and ships (AK) (1 page)
 - b) High risk areas defined (include Canada and mention parallel project and collaboration) (AK) (1/2 page)
 - c) Legal authorities (see appendix) (BAR) (1/2) page
 - d) Management options (see appendix on speed) (BAR) (1 page)
 - e) R&D (findings, ongoing & potential) (see appendix and RW consortium abstracts) (AK) (3 pages)
 - f) Information needs (this may overlap R&D so this might be better before R&D) (see appendix, e.g. predictive modeling, food, GIS, MSR data) (AK & BAR) (1-2 pages)
 - g) Limitations and consideration (BAR) (1page)
 - 1) Economic impacts
 - 2) Environmental impacts (navigation safety and environmental protection, risk assessments, habitat degradation)
 - 3) Implementation & operating costs
 - 4) Time frame
- III. Management options in high risk areas (This is already done with some minor additions) (BAR)
Insert tables, rationale for each area, right whale distribution information (e.g. SAS charts, GIS)--we need stuff for mid-Atlantic and SEUS. I have HMRA on humpbacks

Draft Outline for Final Revision (continued)

Appendices

Legal authorities (BAR)

Precautionary approach discussion (BAR)

R&D (AK)

RW Consortium Abstracts (AK)

Information projects (AK)

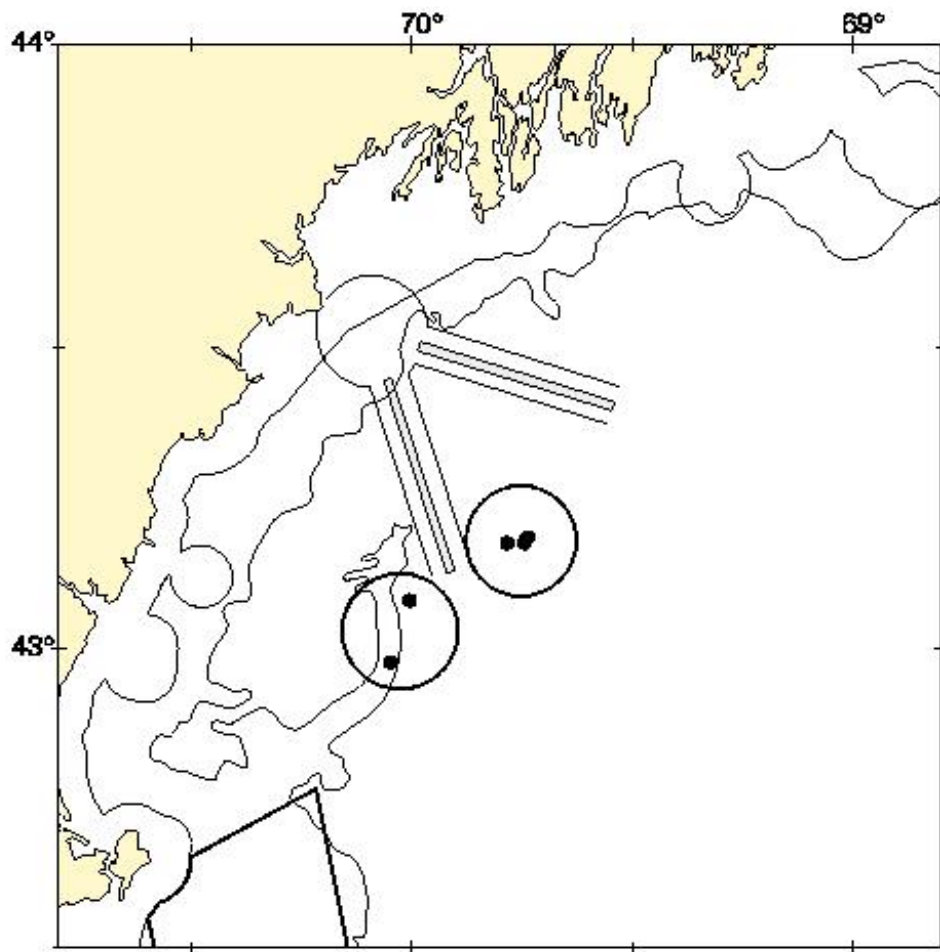
References (AK)

Maps Mortality (AK & BAR)

- Ship routes

- Mortality

- MSR vessel tracks (from FMRI)

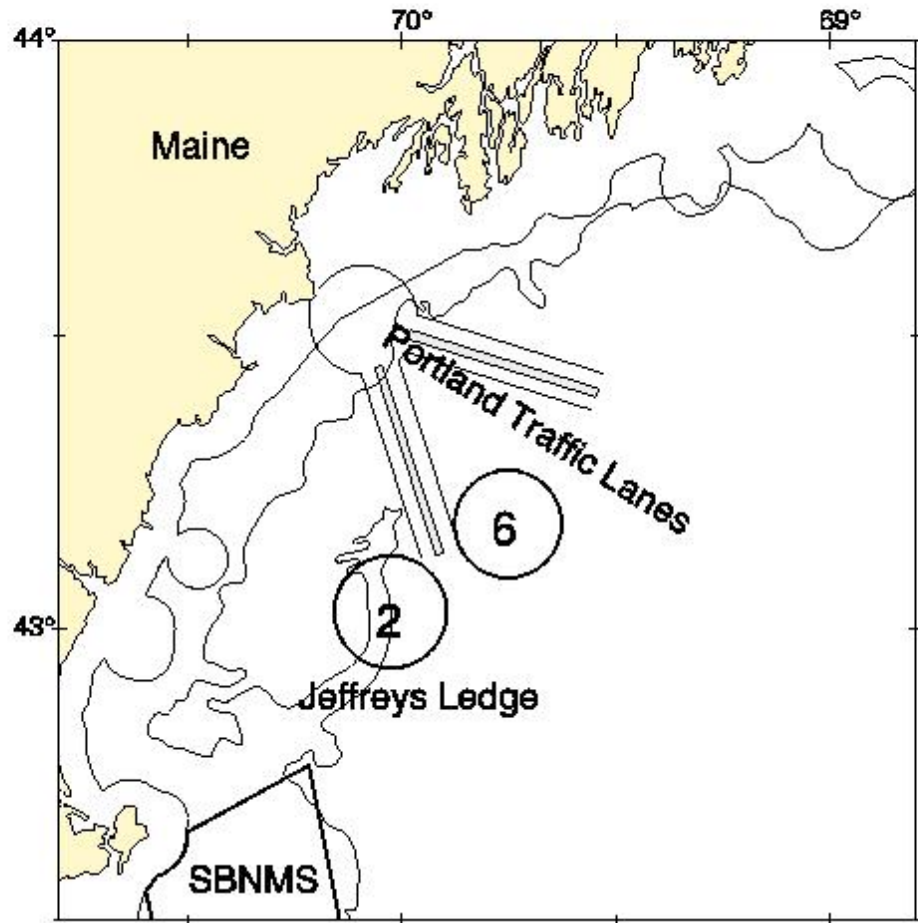


**Right Whale Zones from
CCS/MA & NMFS Aerial Surveys,
15 April 1999**



**National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Northeast Fisheries Science Center
Woods Hole, MA**

Figure 1A:
APPROACHES TO PORTLAND HARBOR & JEFFREYS LEDGE

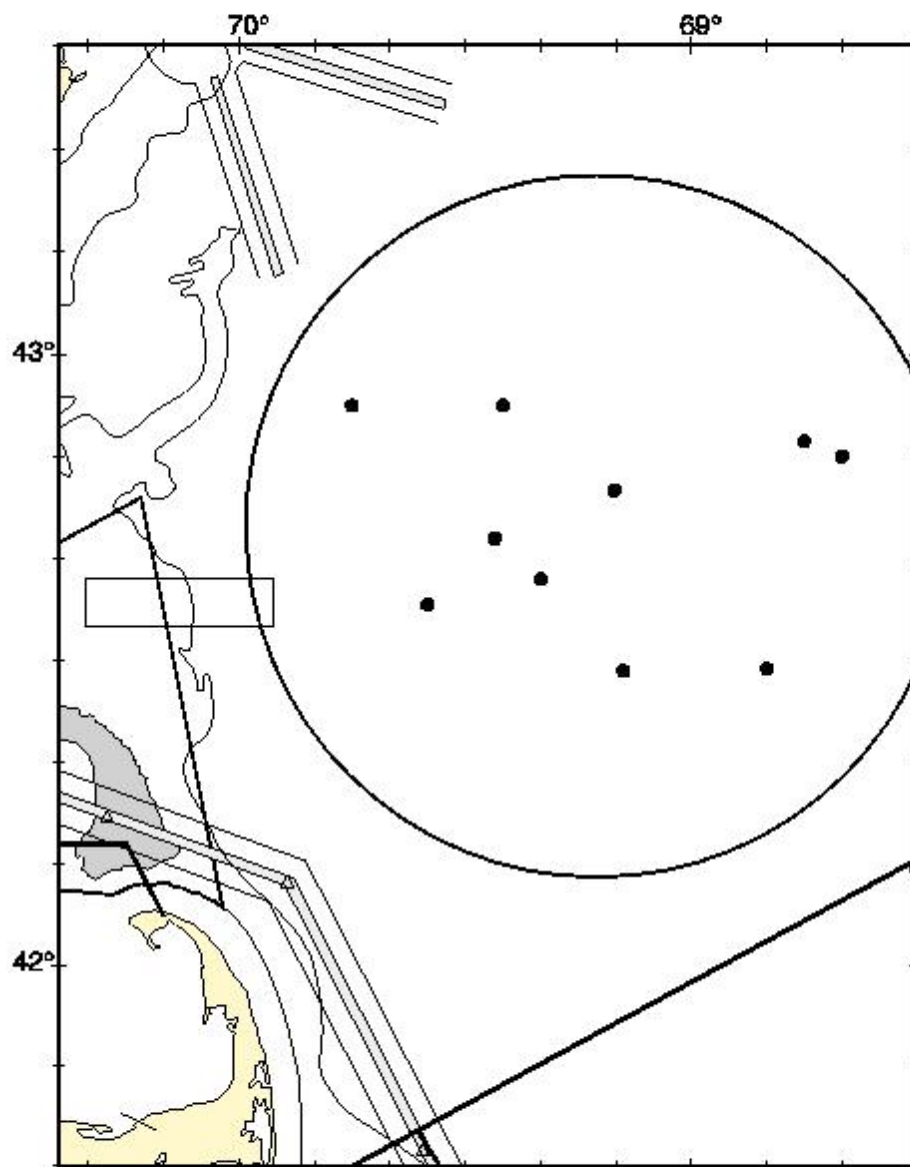


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Woods Hole, MA

Figure 1B:
APPROACHES TO PORTLAND HARBOR & JEFFREYS LEDGE

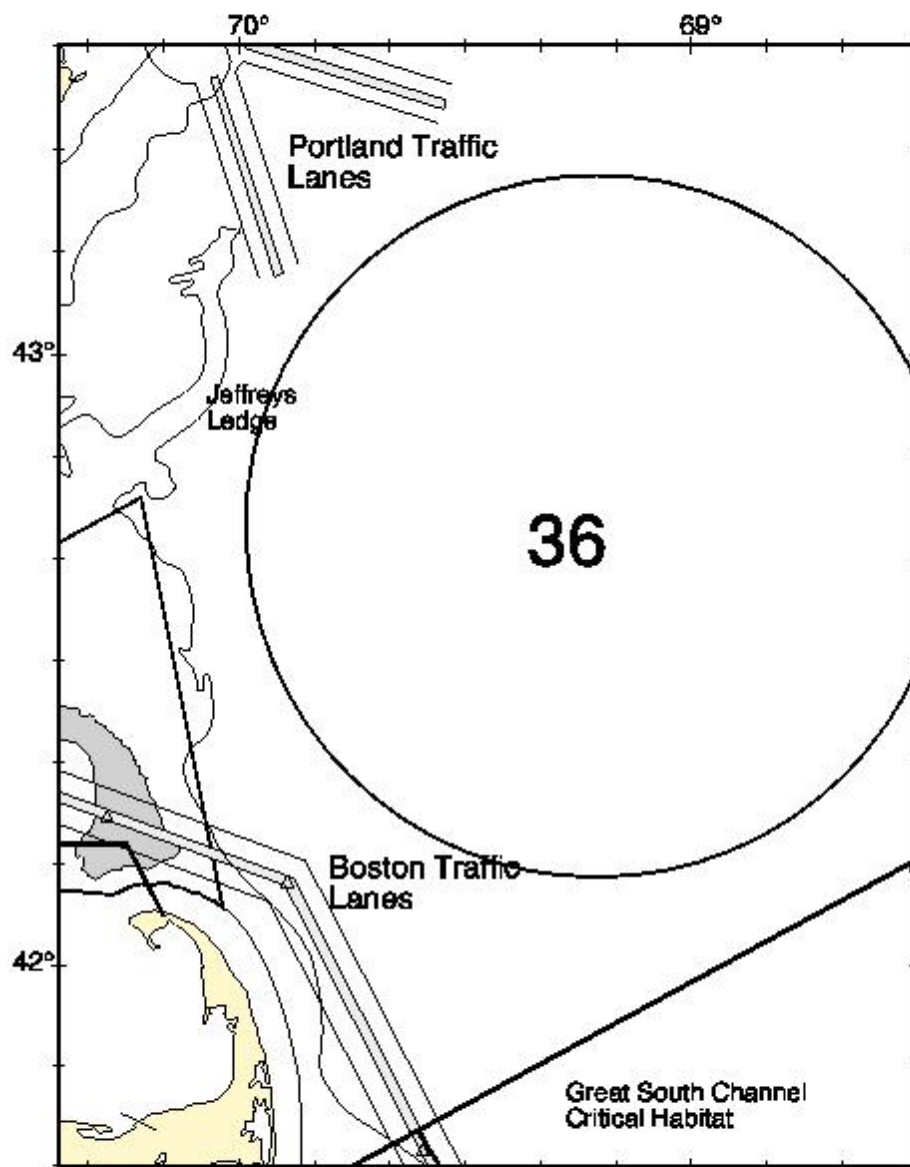


Right Whale Zone from
NMFS SAS & NEC Aerial Surveys,
28 June 2000



NOAA Fisheries
Northeast Regional Office
Gloucester, MA

Figure 2A
CASHES LEDGE

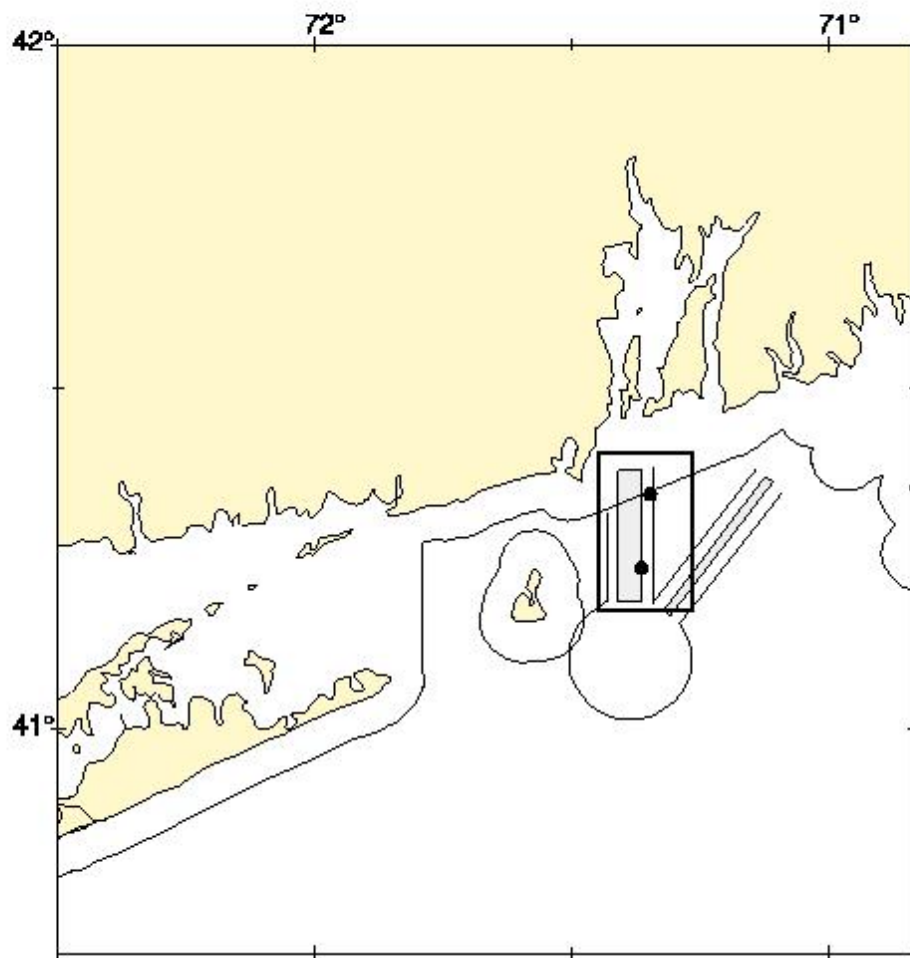


Right Whale Zone from
NMFS SAS & NEC Aerial Surveys,
28 June 2000



NOAA Fisheries
Northeast Regional Office
Gloucester, MA

Figure 2b
CASHES LEDGE



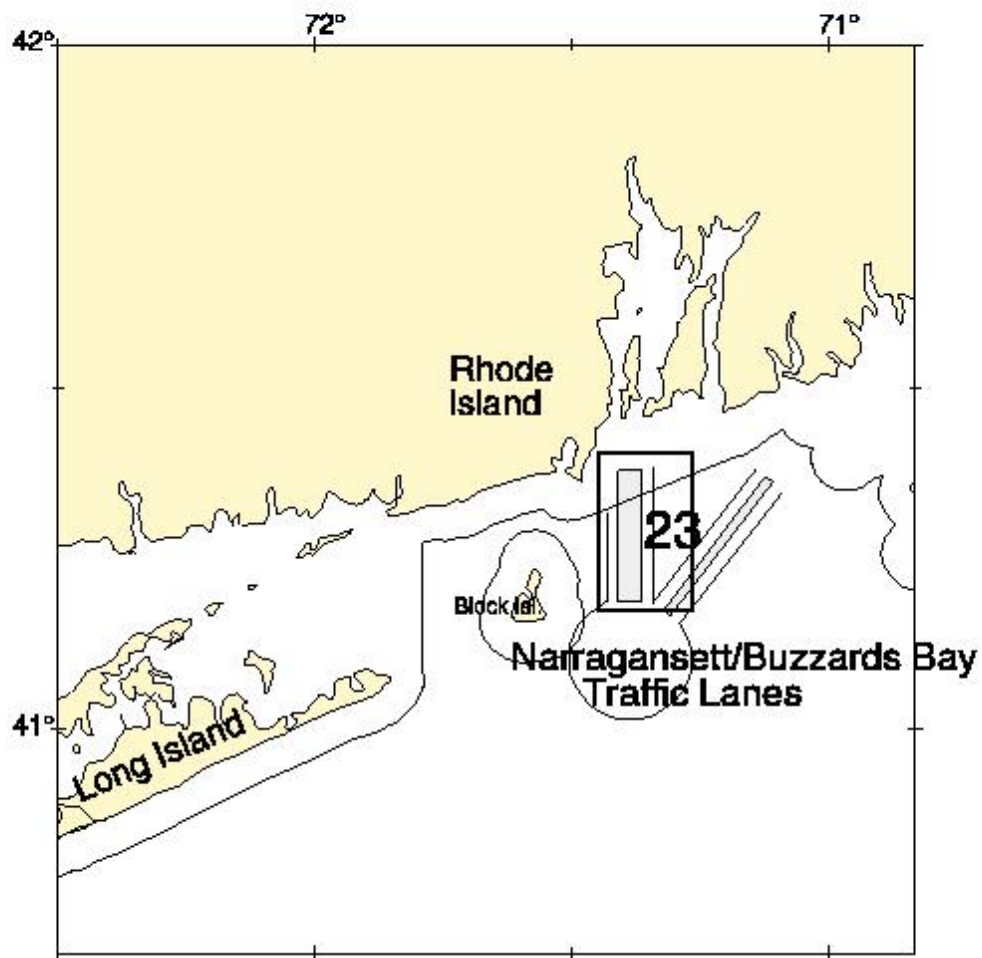
**Right Whale Zones from
CCS/MA & NMFS Aerial Surveys,
19 April 1998**



National Oceanic and Atmospheric Administration
National Marine Fisheries Service
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Woods Hole, MA

Figure 3A

BLOCK ISLAND SOUND

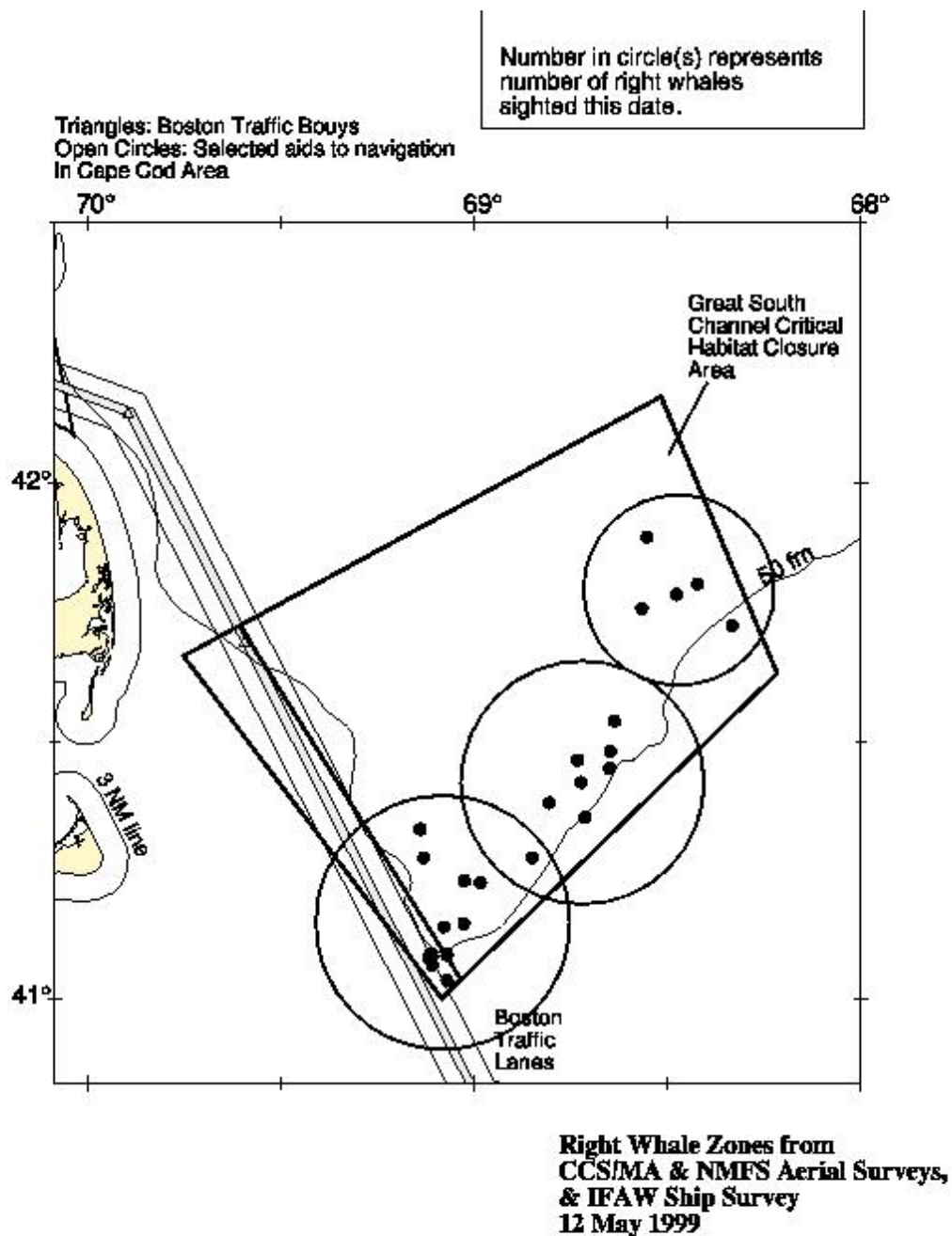


**Right Whale Zones from
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19 April 1998**



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National Marine Fisheries Service
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Woods Hole, MA**

Figure 3B
Block Island Sound



National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Northeast Fisheries Science Center
Woods Hole, MA

Figure 4
GREAT SOUTH CHANNEL: BOSTON APPROACHES